

Item No. \_\_\_\_\_

Prepared by: Debra L. Fessenden

Approved by: Brian L. Kuhn  
County Attorney

**RESOLUTION APPROVING A COMPROMISE SETTLEMENT IN THE CASE OF E.R. v. SHELBY COUNTY, ET AL., UNITED STATES DISTRICT COURT NO. 08-2378, IN THE AMOUNT OF \$130,000.00, AS RECOMMENDED BY THE COUNTY ATTORNEY AND APPROVED BY THE ADMINISTRATION. THIS ITEM REQUIRES THE EXPENDITURE OF COUNTY GENERAL FUNDS IN THE AMOUNT OF \$130,000.00. SPONSORED BY COMMISSIONER J. W. GIBSON, II.**

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**WHEREAS**, a Complaint was filed in United States District Court, Western District, Western Division, styled E. R. v. Shelby County, et al. No. 08-2378, in which the Plaintiff claimed damages due to an assault by an inmate while he was in the Shelby County Jail on June 10, 2007; and

**WHEREAS**, the case was mediated by United States Magistrate Judge Tu M. Pham on January 8, 2010 and January 22, 2010 and as a result of the mediation, a compromise settlement has been negotiated and recommended by the County Attorney's Office and approved by the County Mayor in the amount of one hundred thirty thousand dollars (\$130,000.00) for all damages in this cause of action, which includes past and future medical expenses exceeding one hundred thousand dollars (\$100,000.00) and attorneys' fees; and

**WHEREAS**, the Shelby County Board of Commissioners deems it to be in the best interest of the County to approve this recommended settlement.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SHELBY COUNTY, TENNESSEE**, that the compromise settlement as recommended by the County Attorney's Office and approved by the County Mayor in the

amount of one hundred thirty thousand dollars (\$130,000.00), be and the same is hereby approved in the case of E. R. v. Shelby County, Tennessee, et al, United States District court No. 08-2378.

**BE IT FURTHER RESOLVED**, that this settlement in the amount of one hundred thirty thousand dollars (\$130,000.00), shall be paid from account number 969-950101-6410TL Tort Liability Fund, and that said funds be and the same are hereby appropriated.

**BE IT FURTHER RESOLVED**, that the County Mayor and the Director of Administration and Finance are authorized to issue their warrant or warrants in the amount of one hundred thirty thousand dollars (\$130,000.00), made payable to E. R. and his attorney, Glenn Wright for the purposes identified in this resolution and to take proper credit in their accounting therefore.

\_\_\_\_\_  
Joe Ford, Interim County Mayor

DATE:\_\_\_\_\_

ATTEST:\_\_\_\_\_

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Clerk of County Commission

Adopted:\_\_\_\_\_